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TO: Peter S. Wong, Director of Technology Center 2123

FAX NO. 571-273-8300

FROM/COMPANY: U.S. Patent and Trademark Office

VOICE NO. 571-273-2100

FROM: Anthony T. Smith, Paralegal

VOICE NO. 214.953.6713

DATE August 29, 2005

RETURN TO: Anthony T. Smith, Paralegal

FAX NO. 214.661.4713

PAGES (including cover) 18

**MESSAGE**

In re Application of: Kathryn A. Howard  
Serial No.: 08/920,433  
Filed: August 29, 1997  
Title: Method and System for Providing Access Privileges  
to Records of Members of a Community  
Attorney Docket No. 014208.1183

This facsimile cover sheet is accompanied by a letter, with enclosures.

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this cover sheet and the accompanying letter with enclosures are being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Signature: \_\_\_\_\_

Anthony T. Smith, Paralegal

Date: August 29, 2005

**Notice of Confidentiality**

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FILE NO. 014208.1183

ATTORNEY/EMPLOYEE NO. 05098

CRITICAL DEADLINE, SEND BY ASAP

AL01:868047.1

ATTORNEY DOCKET NO. **BEST AVAILABLE COPY**  
014208.1183PATENT AUG 29 2005  
08/920,433

1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kathryn A. Howard

Serial No.:

08/920,433

Filing Date:

August 29, 1997

Examiner:

William D. Thomson

Art Unit:

2123

Confirmation No.:

8464

Title:

METHOD AND SYSTEM OF PROVIDING ACCESS  
PRIVILEGES TO RECORDS OF MEMBERS OF A  
COMMUNITY**VIA FACSIMILE:**  
571-273-8300Attn: Peter S. Wong  
Director  
Technology Center 2123  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**NON-FEE PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW  
HOLDING OF ABANDONMENT AND RE-MAIL NOTICE OF ALLOWANCE**

This petition is filed in response to notification by the U.S. Patent and Trademark Office that the above-referenced patent application has been abandoned for failure to file a timely and proper reply to the Notice of Allowance and Issue Fee Due mailed March 28, 2005 which set a three month period for reply. This Petition under 37 C.F.R. § 1.181 is to request that the holding of abandonment be withdrawn. As indicated in the attached statement of facts, Applicant never received the Notice of Allowance, and therefore, did not respond by the due date of June 28, 2005. Accordingly, the holding of abandonment is improper pursuant to M.P.E.P. § 711.03(c)II. The required showing to establish nonreceipt pursuant to M.P.E.P. § 711.03(c)II is provided in the following documents:

ATTORNEY DOCKET NO.  
014208.1183

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PATENT  
08/920,433

2

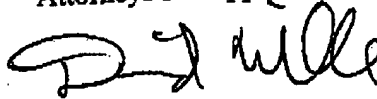
1. Counsel's Statement of Facts in Support of Petition to Withdraw Holding of Abandonment.
2. Copy of Notice of Abandonment mailed on August 16, 2005.
3. Copy of the File History Wrapper for Serial No. 08/920,433.
4. Copy of the docket record where the nonreceived Notice of Allowance would have been entered had it been received and docketed.

As the abandonment of this case was through no fault of Applicant, it is respectfully requested that a new Notice of Allowance be mailed and the date for response to be three months from the mail date of the new Notice of Allowance, pursuant to M.P.E.P. § 711.03(c)II. It is not believed that any fees are due. However, if it is determined that a petition fee or any additional fees are due, please charge these fees to Baker Botts L.L.P. Deposit Account No. 02-0384.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant



David G. Wille  
Reg. No. 38,363

Date: 8/29/05

CORRESPONDENCE ADDRESS:  
CUSTOMER NO. 05073

2001 Ross Avenue, Suite 600  
Dallas, Texas 75201  
214.953.6595

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**TAB 1**

**BEST AVAILABLE COPY**

Attorney's Docket:  
014208.1183

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PATENT  
08/920,433  
AUG 29 2005

1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Kathryn A. Howard

Serial No.:

08/920,433

Filing Date:

August 29, 1997

Examiner:

William D. Thomson

Art Unit:

2123

Confirmation No.:

8464

Title:

METHOD AND SYSTEM OF PROVIDING ACCESS  
PRIVILEGES TO RECORDS OF MEMBERS OF A  
COMMUNITY

**VIA FACSIMILE:**

571-273-8300

Attn: Peter S. Wong  
Director  
Technology Center 2123  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**COUNSEL'S STATEMENT OF FACTS IN SUPPORT OF PETITION  
TO WITHDRAW HOLDING OF ABANDONMENT**

I am a patent attorney employed with Baker Botts L.L.P. I am listed as an attorney of record for the above-identified pending U.S. patent application entitled *Method and System of Providing Access Privileges to Records of Members of a Community* filed on August 29, 1997, Application No. 08/920,433. My residence is Plano, Texas (a suburb of Dallas, Texas), and my place of employment is Dallas, Texas, and were so at all times relevant to the Statement of Facts. The following facts relate to the subject application:

## BEST AVAILABLE COPY

Attorney's Docket:  
014208.1183

PATENT  
08/920,433

2


1. All mail from the PTO is received in a Baker Botts mailroom and routed to the IP mail clerk. She opens and date-stamps all mail, and forwards notices of allowance received from the PTO to the paralegal assigned to the case. She does not record a log of such received mail, and therefore no such log is provided pursuant to MPEP § 711.03(c)II.

2. It is then the responsibility of the paralegal to docket notices of allowance received from the PTO. When a Notice of Allowance is received, the response due date is docketed along with any other papers due. A letter to the client is then prepared, and the file is forwarded to the attorney of record for review and authorization to pay the issue fee.

3. According to the file history wrapper (Tab 3) for this application, the Notice of Allowance has not been docketed, and there is no due date for the payment of the Issue Fee. Also attached is a copy of the docket record where the nonreceived Notice of Allowance would have been entered had it been received and docketed (Tab 4). These documents indicate that the Notice of Allowance was not received from the PTO.

4. As an attorney of record for the above-identified pending U.S. patent application, I attest that the Notice of Allowance was not received from the PTO. Further, I attest that I have performed a search of the file jacket and all of its contents. The results of the search revealed that the Notice of Allowance was not in the file jacket. This further indicates that the Notice of Allowance was not received from the PTO.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application for any patent issuing thereon.

  
\_\_\_\_\_  
David G. Wille

Date: 8/29/05  
Baker Botts L.L.P.  
2001 Ross Avenue  
Dallas, Texas 75201-2980  
(214) 953-6595

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**TAB 2**

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014208.1183



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/920,433	08/29/1997	KATHRYN A. HOWARD	43-97-001	8464

7590 08/16/2005

David G. Wille, Esq.  
 Baker Botts L.L.P.  
 2001 Ross Avenue  
 Suite 600  
 Dallas, TX 75201-2980

EXAMINER	
THOMSON, WILLIAM D	

ART UNIT	PAPER NUMBER
2123	30

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## BEST AVAILABLE COPY

<b>Notice of Abandonment</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	08/920,433		KATHRYN A. HOWARD	
	<b>Examiner</b>		<b>Art Unit</b>	
	THOMSON, WILLIAM D		2123	

**— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AG

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)
Notice of Abandonment
Part of Paper No. 0

**BEST AVAILABLE COPY****Attachment to Notice of Abandonment****For questions concerning the notice contact****Office of Patent Publication****Image Assistance Center: 888-786-0101.**Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>**Respond to the Notice of Abandonment by one of the following:**

- 1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

- 2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

- 3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

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**TAB 3**

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**BEST AVAILABLE COPY****Country Application**

Friday, August 26, 2005

Page: 1

Client Matter Number: 014208.1183

Country: US

SubCase:

Client: ELECTRONIC DATA SYSTEMS CORPO United States of America

Client Reference No: 43-97-001

Case Type: ORD

Application Status: Appealed

Application Number: 08/920433

Publication Number:

Patent Number:

Parent/PCT Number:

Parent Issue Number:

Tax Schedule: LE

Confirmation #:

Agent:

Resp.Office: DL

Status Date:

Filing Date: 29-Aug-1997

Publication Date:

Issue Date:

Parent/PCT Date : 29-Aug-1997

Parent Issue Date :

Expiration Date:

Patent Term Adjustment: 0

Agent Reference #:

PTO Customer Number:

Historical Family No.:

Matter:

Annuity Client?: No

Tax Start Date:

Priority Number:

New Family Number:

Claims: 15

Remarks: ASSIGNMENT - 8785-0034-0036; ASSIGNMENT Date - 29-Aug-1997

**BEST AVAILABLE COPY****Country Application**

Friday, August 26, 2005

Page: 2

**List Of Actions**

<b>Action(s) Due</b>	<b>Due Date</b>	<b>Due Date</b>	<b>Action Taken</b>
CASE ASGD. ATTY TO WRITE	21-Apr-1997	Due Date	21-Apr-1997
APPLICATION MAILED	29-Aug-1997	Due Date	29-Aug-1997
FILE ASSIGNMENT	29-Aug-1997	Due Date	29-Aug-1997
IDS NOT APPLICABLE	29-Aug-1997	Due Date	29-Aug-1997
CLOSING MEMO	06-Jan-1998	Due Date	06-Jan-1998
APPLICATION REJECTED	23-Mar-1999	Due Date	23-Mar-1999
Formal Drawings Accepted	23-Mar-1999	Due Date	23-Mar-1999
AMENDMENT	18-Jun-1999	Due Date	18-Jun-1999
Rejection Mailed	27-Nov-2000	Due Date	27-Nov-2000
3 Month Due Date	27-Feb-2001	Due Date	27-Feb-2001
Change of Corresp. Address	27-Feb-2001	Due Date	27-Feb-2001
Final Rejection	23-May-2001	Due Date	23-May-2001
Ltr to client re Office Action	31-May-2001	Due Date	31-May-2001
2 Month Amendment Due Date	23-Jul-2001	Due Date	24-Sep-2001
1st Extension	23-Sep-2001	Reminder	24-Sep-2001
Advisory Action	23-Oct-2001	Due Date	23-Oct-2001
RCE (Req. Cont'd Exam)	13-Nov-2001	Due Date	13-Nov-2001
Rejection Mailed	27-Feb-2002	Due Date	27-Feb-2002
Ltr to client re Office Action	05-Mar-2002	Due Date	05-Mar-2002
Petition	21-May-2002	Due Date	21-May-2002
Filed by EDS to change inventor Kathryn A Rosenthal's name to Kathryn A. Howard. CAD			
Notice of Appeal Filed	24-May-2002	Due Date	24-May-2002
3 Month Due Date	27-May-2002	Due Date	24-May-2002
1 Month Reminder/Appeal Brief	24-Jun-2002	Reminder	24-Jul-2002
2 Month Appeal Brief Deadline	24-Jul-2002	Due Date	24-Jul-2002
Petition Granted	05-Aug-2002	Due Date	05-Aug-2002
To change inventor's name from Kathry A. Rosenthal to Kathry A. Howard. CAD			

**BEST AVAILABLE COPY****Country Application**

Friday, August 26, 2005

Page: 3

Petition Follow-up/rec'd	21-Nov-2002	Due Date	05-Aug-2002
Filed by EDS to change inventor Kathryn A Rosenthal's name to Kathryn A. Howard. CAD			
US-Appeal Status Check	24-Nov-2002	Due Date	07-Jan-2003
Request for Status Filed	07-Jan-2003	Due Date	07-Jan-2003
1 Month Action Mailed	29-May-2003	Due Date	29-May-2003
Follow Up Request for Status	07-Jun-2003	Due Date	21-Jan-2003
1 Month Due Date	29-Jun-2003	Due Date	29-Jul-2003
Examiner's Interview Summary	09-Jul-2003	Due Date	09-Jul-2003
1st Extension	29-Jul-2003	Reminder	29-Jul-2003
Petition	29-Jul-2003	Due Date	29-Jul-2003
Per telephone conversation with Ms. Josie Ballato at (703)-308-0269, she will examine the petition two weeks from 4/21/2004. (ats)			
Petition Follow-up/rec'd	05-May-2004	Due Date	04-Oct-2004
Per telephone conversation with Ms. Josie Ballato at (703)-308-0269, she will examine the petition two weeks from 4/21/2004. (ats)			
Petition Granted	04-Oct-2004	Due Date	04-Oct-2004

Created By: CDONAHUE

User ID: CDONAHUE

Date Created: 28-Oct-1999

Last Update: 29-May-2002

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**TAB 4**

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Page 1 of 38

## June 2005 U.S. Docket Report (Dallas Office)

Friday, August 26, 2005

Due Date	Indicator	Action Type/ Action Due	File Number/ Country Name	Application No./ Filing Date	Title	Status/ Client Name
Responsible Person: ASMTTH3						
6/1/2005	Due Date	US-Change of Corresp. Address	020533.0162	08/25/107	Data Transmission System and Method of Operation	Granted EFFICIENT NETWORKS, INC.
		Change of Corresp. Address	US	2/16/1989		
Remarks:						
6/2/2005	Final	Tax 7.5	075791.0138	08/780291	Switchable Wavelength Router	Granted EZCONN Corporation
		Tax 7.5	US	1/8/1997		
Remarks:						
6/5/2005	Due Date	US-Issue Notification	087575.0104	09/515338	Internet-Enabled Conferencing System and Method Accommodating PSTN and IP Traffic	Granted EMEETING.NET, INC.
		Letters Patent/Soft Copies	US	2/28/2000		
Remarks:						
6/11/2005	Due Date	US-Proofread Issued Patent	019843.0235	10/620822	Method for Forming an Optical Printed Circuit Board	Granted LOCKHEED MARTIN CORPORATION
		Proofread Issued Patent	US	7/18/2003		
Remarks:						
6/12/2005	Due Date	US-Issue Notification	075791.0121	10/294971	System and Method for Multiplexing and Demultiplexing Optical Signals Using Diffraction Gratings	Granted EZCONN Corporation
		Letters Patent/Soft Copies	US	11/14/2002		
Remarks:						
6/12/2005	Due Date	US-Issue Notification	066303.0114 1	10/131121	System and Method for Interfacing Telephony Voice Signals with a Broadband Access Network	Granted GENERAL BANDWIDTH INC.
		Letters Patent/Soft Copies	US	4/23/2002		
Remarks:						
6/13/2005	Due Date	US-Revocation/Power of Atty.	073226.0104	10/031759	Rotary Regenerative Oxidizer with Distribution Wings	Published Hend Law Offices
		Revocation/Power of Atty./Due	US	5/17/2001		
Remarks:						
6/14/2005	Final	Tax 11.5	029180.0103	07/861769	SELF-CONTAINED WEIGHING SYSTEM AND METHOD	Granted GENERAL ELECTRODYNAMICS CORPORATION
		Tax 11.5	US	3/16/1992		
Remarks:						
6/16/2005	Final	Tax 7.5	052374.0103	08/611749	Primer Removal Tool	Granted Holt, David D.
		Tax 7.5	US	3/8/1986		
Remarks:						
6/18/2005	Final	Tax 3.5	075234.0115	09/267865	(INDEX LLC) Casino/Lottery/Sports Styled Wagers and Games for Parimutuel Operation	Granted Cantor Index
		Tax 3.5	US	3/12/1999		
Remarks:						



## June 2005 U.S. Docket Report (Dallas Office)

Friday, August 26, 2005

Due Date	Indicator	Action Type/ Action Due	File Number/ Country Name	Application No./ Filing Date	Title	Status/ Client Name
Responsible Person: ASMITH3						
6/25/2005		US-Proofread Issued Patent	019843.0229	10/358818	Method for Planarizing Bumped Die	Granted LOCKHEED MARTIN CORPORATION
		Proofread Issued Patent	US	2/7/2003		
Remarks:						
6/25/2005	Reminder	Filing Receipt Rec'd	067439.0176 1	11/042378	System and Method for The Customized Processing of Returned Merchandise	Pending NEWGISTICS, INC.
		Filing Receipt Rec'd	US	1/25/2005		
Remarks:						
6/26/2005		US-Issue Notification	019843.0207	09/964149	Notched Blade Seal for High Performance Aircraft	Granted LOCKHEED MARTIN CORPORATION
		Letters Patent/Soft Copies	US	9/25/2001		
Remarks:						

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Page 18 of 38

## June 2005 U.S. Docket Report (Dallas Office)

Friday, August 26, 2005

Due Date	Indicator	Action Type/ Action Due	File Number/ Country Name	Application No./ Filing Date	Title	Status/ Client Name
Responsible Person: DWILLE						
6/10/2005	Reminder	US-Verify Conf/Div Filed	075635.0117	10/061683	System and Method for Creating a Datum Reference Frame	Allowed UGS Corp.
		Verify Conf/Div Filed	US	2/1/2002		
		Remarks: DGW to determine if a CON should be filed by 6/10/2005. (ais)				
6/21/2005	Due Date	Declaration/power of attorney	075635.0120	11/086009	System and Method for Compiling and Displaying a Pruned Information Set	Published UGS Corp.
		Declaration/power of attorney	US	3/21/2005		
		Remarks:				